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May 5, 2021

**VIA CM/ECF**

Honorable Margo K. Brodie  
United States District Judge  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East, Courtroom 6F  
Brooklyn, NY 11201

**Re: *B&R Supermarket, Inc., et al. v. Visa, Inc., et al.*, Case No. 1:17-cv-02738-MKB-VMS**

Dear Judge Brodie:

We write on behalf of Plaintiffs B & R Supermarket, Inc. (d/b/a Milam's Market), Grove Liquors LLC, Strouk Group LLC (d/b/a Monsieur Marcel), and Palero Food Corp. and Cagueyes Food Corp. (d/b/a Fine Fare Supermarket) (collectively, "Plaintiffs") in the above-referenced matter to respectfully request that the Court appoint Robbins LLP as Class Counsel pursuant to Federal Rule of Civil Procedure 23(g). Counsel for Plaintiffs have conferred with counsel for Defendants<sup>1</sup> regarding this motion and are informed that Defendants do not oppose the relief requested herein.

On August 28, 2020, the Court entered an order granting Plaintiffs' renewed motion for class certification and certifying the following class: "Merchants who incurred one or more unreimbursed chargeback(s) between October 1, 2015 through and including September 30, 2017, pursuant to the Fraud Liability Shift for the assessment of Mastercard, Visa, Discover and/or Amex payment card chargebacks (the 'Class'). Excluded from the Class are members of the judiciary and government entities or agencies." Dkt. 725.

Pursuant to Federal Rule of Civil Procedure 23(g), class counsel should be appointed when a class is certified. In its order on Plaintiffs' initial motion for class certification, the Court previously found Plaintiffs' counsel, Robbins LLP, adequate under Federal Rule of Civil Procedure 23(a)(4). Dkt. 644 at 19; *see also* Dkt. 725 at 7.

For the reasons set forth above, Plaintiffs respectfully request that the Court appoint Robbins LLP as Class Counsel for the certified Class, as reflected in the proposed order submitted herewith.

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<sup>1</sup> "Defendants" are Mastercard International Inc., Discover Financial Services, Visa Inc. and Visa U.S.A. Inc., and American Express Company.



*B&R Supermarket, Inc., et al. v. Visa, Inc., et al.*

May 5, 2021

Page 2

Respectfully submitted,

*s/ George C. Aguilar*

*Counsel for Plaintiffs*

cc: All Counsel of Record (via CM/ECF)